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[*Smith v. Raytheon Engineers & Constructors, Inc.*](#), 95-ERA-37 (Sec'y Oct. 3, 1995)

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DATE: October 3, 1995
CASE NO. 95-ERA-37

IN THE MATTER OF

MICHAEL E. SMITH,

COMPLAINANT,

v.

RAYTHEON ENGINEERS AND CONSTRUCTORS, INC.,

RESPONDENT.

BEFORE: THE SECRETARY OF LABOR

ORDER OF DISMISSAL

Before me for review is a Notice of Cancellation of Hearing and Recommended Order of Dismissal issued by the Administrative Law Judge (ALJ) in this case, which arises under the employee protection provisions of the Energy Reorganization Act of 1974 (ERA), as amended, 42 U.S.C. § 5851 (1988). Prior to a hearing, the parties submitted a stipulation of dismissal with prejudice. Based on the stipulation, the ALJ recommended this case be dismissed with prejudice and I concur.

Voluntary dismissals of ERA complaints are governed by Rule 41 of the Federal Rules of Civil Procedure. See *Nolder v. Kaiser Engineers, Inc.* Case No 84-ERA-5, Sec. Dec., June 28, 1985, slip op. at 6-8; *Blevins v. Tennessee Valley Authority*, Case No. 90-ERA-4, Sec. Dec., June 28, 1993, slip op. at 2. Such a Stipulation of dismissal may be with prejudice. See *Dysert v. Florida Power & Light Co.*, Case No. 92-ERA-26, Sec. Dec. June 28, 1993, slip op. at 1.

The ALJ's Recommendation is accepted and this case is dismissed with prejudice.

SO ORDERED.

ROBERT B. REICH
Secretary of Labor

Washington, D.C.

